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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA, ) CASE NO. 20-MJ-70968 MAG  
17 Plaintiff, )  
18 v. )  
19 CHEN SONG, )  
20 Defendant. )

21 The United States, by its undersigned counsel, and defendant, by her undersigned counsel,  
22 hereby stipulate to and memorialize the following findings:

23 Defendant was charged by criminal complaint on July 17, 2020, and arrested on that complaint  
24 on July 18, 2020. She made her initial appearance in this district on July 20, 2020. On that date, the  
25 government moved for detention. On July 21, 2020, defendant was released on conditions, and a  
26 preliminary hearing was scheduled for August 10, 2020 at 10:30 a.m. On July 23, 2020, the government  
27 moved for reconsideration of the release order. That motion is still pending and scheduled for a hearing  
28 on July 31, 2020. Also on July 23, 2020, new defense counsel began representing defendant.

29 The parties request a continuance of the preliminary hearing from August 10, 2020 until  
30 September 9, 2020, at 10:30 a.m. The government is beginning to provide the defense with discovery.

1 A continuance will provide the parties with needed time to review discovery and discuss resolution of  
2 the case. The parties stipulate and agree that the time shall be extended time under Rule 5.1 for the  
3 preliminary examination until September 9, 2020, as there is good cause, taking into account the public  
4 interest in the prompt disposition of criminal cases. Additionally, the parties stipulate and agree that the  
5 time between July 18, 2020 and September 9, 2020, should be excluded under the Speedy Trial Act  
6 pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B). Excluding time will allow for the effective preparation  
7 of counsel, taking into account the nature of the prosecution and the particular complexity of this case,  
8 and the ends of justice served by this delay outweigh the defendants' and the public's interest in a  
9 speedy trial. *See* 18 U.S.C. § 3161(h)(7)(B)(ii), (iv).

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11 DATED: July 28, 2020

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13 /s/  
14 BENJAMIN KINGSLEY  
15 Assistant United States Attorney

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14 /s/  
EDWARD SWANSON  
Counsel for Defendant Chen Song

## [PROPOSED] ORDER

For the reasons stated above, the hearing scheduled for August 10, 2020, is continued to September 9, 2020, at 10:30 a.m.

The Court finds that the exclusion of the period from July 18, 2020 and September 9, 2020, from the time limits applicable under 18 U.S.C. § 3161(b), is warranted; that the ends of justice served by the continuance outweigh the interests of the public and the defendants in the prompt disposition of this criminal case; and that the failure to grant the requested exclusion of time would deny counsel for defendant the reasonable time necessary for effective preparation and of counsel, taking into account the particular complexity of the case and the exercise of due diligence, and would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(ii), (iv).

For the same reasons, the Court also finds good cause to extend the time for a preliminary hearing from August 10, 2020, to September 9, 2020.

IT IS SO ORDERED.

DATED: July 29, 2020

Sallie Kinn

**HONORABLE SALLIE KIM**  
United States Magistrate Judge